

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOHN AND JANE DOES 1-5)	
ON BEHALF OF THEMSELVES AND)	
ALL OTHERS SIMILARLY SITUATED,)	
)	
Plaintiffs,)	
)	
v.)	1:09CV12
)	
NORTH CAROLINA BAPTIST HOSPITAL)	
and THE NORTH CAROLINA BAPTIST)	
HOSPITAL AND APPLICABLE)	
AFFILIATES GROUP HEALTH PLAN,)	
)	
Defendants.)	

**ORDER GRANTING MOTION FOR FINAL APPROVAL OF AN AWARD OF
ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION COSTS AND
EXPENSES**

This matter was heard before the undersigned United States District Court Judge on February 24, 2012, upon Class Counsel's Unopposed Motion for Final Approval of an Award of Attorneys' Fees and Reimbursement of Litigation Costs and Expenses [Doc. #46]. After consideration of the Motions and Exhibits, the supporting Memoranda, the pleadings, and arguments of counsel, the Court concluded that the Motion should be granted as set out herein.

With regard to the request for an attorneys' fees award, Class Counsel sought approval of an award in the amount of \$1,234,500.00, which represents twenty-five percent (25%) of the \$4,938,000.00 Settlement Fund amount. Class Counsel presented information supporting the reasonableness of their request, including the time and labor expended on this case, the skill required to bring a complicated ERISA matter to settlement, and the benefit awarded to the class as a result of Class Counsel's negotiations in Phase I and Phase II of this matter. In

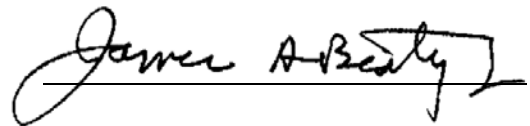
addition, Class Counsel noted that although the Phase II Settlement provided Class Counsel the option of requesting up to 25% of the Common Fund, which would have amounted to an award of \$1,344,125.00, Class Counsel voluntarily limited the attorneys' fees award to only 25% of the Settlement Fund. Furthermore, Class Counsel noted that no member of the Settlement Class filed an objection either with the Court or with Class Counsel regarding the requested attorneys' fees award. Based on the information presented, including the lack of objection from any member of the Settlement Class, and in light of the factors set forth in Barber v. Kimbrell's, Inc., 577 F.2d 216 (4th Cir. 1978), the Court concluded that the requested attorneys' fees in the amount of \$1,234,500.00 was fair and reasonable and should be awarded to Class Counsel, to be paid out of the Common Fund established for the Settlement Class.

With regard to the request for reimbursement of litigation costs and expenses, Class Counsel sought reimbursement in the amount of \$39,324.79.00. Class Counsel provided the Court with an itemized list of costs and expenses advanced or incurred by Class Counsel to date, which primarily included legal research costs necessary to properly execute Notice to the Settlement Class in both Phase I and Phase II. In addition, Class Counsel noted that although they have incurred and will continue to incur additional costs and expenses in this case, Class Counsel, and not the Settlement Class, would bear any additional costs above the requested amount of \$39,324.79.00. Furthermore, Class Counsel noted that no member of the Settlement Class filed an objection either with the Court or with Class Counsel regarding the requested reimbursement of litigation costs and expenses. Based on the information presented, the Court concluded that reimbursement of litigation costs and expenses in the amount of \$39,324.79.00

was fair and reasonable in this case and should be provided to Class Counsel, to be paid out of the Common Fund established for the Settlement Class. As such, the Court granted Class Counsel's Unopposed Motion for Final Approval of an Award of Attorneys' Fees and Reimbursement of Litigation Costs and Expenses as set out herein.

IT IS THEREFORE ORDERED that Class Counsel's Unopposed Motion for Final Approval of an Award of Attorneys' Fees and Reimbursement of Litigation Costs and Expenses [Doc. #46] is GRANTED as set out herein. IT IS FURTHER ORDERED that attorneys' fees in the amount of \$1,234,500.00 shall be awarded to Class Counsel, to be paid out of the Common Fund established for the Settlement Class. IT IS FINALLY ORDERED that reimbursement of litigation costs and expenses in the amount of \$39,324.79.00 shall be provided to Class Counsel, to be paid out of the Common Fund established for the Settlement Class.

This, the 24th day of February, 2012.

A handwritten signature in black ink, reading "James A. Beatty". The signature is written in a cursive style with a large, stylized "J" and "B".

United States District Judge